

Information Sheet

Determinations of No Jurisdiction for Isolated, Non-navigable, Intra-state Waters Resulting from U.S.
Supreme Court Decision in Solid Waste Agency of Northern Cook County V. U.S. Army Corps of Engineers

USACE District Office:

Fort Worth District (CESWF-PER-R)

USACE File Number:

200400319

Regulatory Project Manager:

Napier

Date: June 20, 2004

Project Reviewed/Determination Completed:

In the Office:

Y

Date: June 20, 2004

In the Field:

N

Date: --

Project Location Information:

State: Texas

County: Hale

Centerline Coordinates of Site by Latitude & Longitude:

North: 3751549.31

East: 236157.40

Zone: 14

Approximate Size of Site/Property (Including Uplands and Acres):

127

Name of Waterway or Watershed:

Blackwater Draw

Site Conditions:

Type of Aquatic Resource ¹ :	0-1 acre	1-3 acres	3-5 acres	5-10 acres	10-25 acres	25-50 acres	> 50 acres	Linear Feet	Unknown
Lake									
River									
Stream									
Drywash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake							X		
Vernal Pool									
Natural Pond									
Other water (identify type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

Type of Determination:

Preliminary:

OR

Approved:

X

Rationale for determination, including information reviewed to assess potential navigation or interstate commerce connections:

The proposed project would include the construction of erosion control in an ephemeral playa lake located at the intersection of FM 54 and Interstate Highway (IH) 27 in Hale County, Texas. The playa lake was originally 79.53 acres, however, in the 1960's, it was bisected into a 9.53-acre lake and a 70-acre lake by the construction of IH 27. The larger portion of the playa lake was expanded and excavated to 116.98-acres for fill material used to construct the road and overpass. A culvert and ditch under IH 21 connects the 9.53-acre and the 116.98-acre divided playa lake. Previously, waste roadway material (concrete and asphalt chunks) has been placed into the ditch in an effort to retard erosion. The proposed project would result in the removal of 612 cubic yards of discarded construction debris from the ditch that connects the divided playa lake and a 225-foot-long, 28-foot-wide, straight, rock gabion lined channel would be constructed between the two sections of the playa lake to limit future erosion. The playa lake is not connected to any tributaries to a navigable water of the United States and does not have a nexus to interstate commerce. Based on the information provided by the applicant and other

Information Sheet

Determinations of No Jurisdiction for Isolated, Non-navigable, Intra-state Waters Resulting from U.S.
Supreme Court Decision in Solid Waste Agency of Northern Cook County V. U.S. Army Corps of Engineers

additional available information, it appears that the playa lake is not a water of the United States. None of the proposed work would result in the discharge of dredged or fill material into a water of the United States and would require authorization under a Department of Army permit. Therefore, no permit is required for the proposed project.

Do waters of the United States exist on the site? N

If yes, approximate size of waters of the United States (acres): --